

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16188 of 2006

Dated:04-08-2006

Between:

Katchala Krishna

Petitioner

And

The State Election Commission, Secunderabad and others

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16188 of 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the action of the respondents in postponing election to Ward No.7 of Adavi Thakellapadu Village, Guntur Rural Mandal, Guntur District and proceeding further with Upa Sarpanch election scheduled to be held on 02-08-2006 as illegal, arbitrary and bad in law, contrary to provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and conduct of Election Rules, 1994 and consequently direct the respondents herein to proceed further with the election for Ward No.7 and then to proceed for Upa Sarpanch of Adavi Thakkellapadu Village on the basis of the existing voters list containing the name of the petitioner and pass such other suitable orders.

2. Several factual details narrated in the affidavit filed in support of the writ petition. The detailed instructions addressed by the Collector and District Election Authority, Guntur to the Secretary, State Election Commission, Secunderabad was placed before this court. It is stated that the Upa Sarpanch election also already is over. However, the counsel for the petitioner would contend that in the absence of any

election being held for Ward No.7 there is no question of holding any election for the post of Upa Sarpanch. No doubt, contravention of several rules had been pointed out by the learned counsel for the petitioner. In the light of the stand taken by the respondents and in the light of the instructions placed before this court in Roc No.999/2006-G4 dated 30-07-2006, liberty is given to the petitioner to file appropriate election petition if the petitioner is so advised.

3. With the above observation, the writ petition is disposed of. No order as to costs.

04-08-2006

Note:
C.C. in three days.
B/o.
Stp